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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,876	11/03/2003	Gerald Bauldock Sr.		2875
38831	7590	10/31/2005		
GERALD BAULDOCK 16 MEADOW BROOK PLACE WILLINGBORO, NJ 08046			EXAMINER MENDIRATTA, VISHU K	
			ART UNIT	PAPER NUMBER
			3711	

DATE MAILED: 10/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

TNR

Office Action Summary	Application No.	Applicant(s)	
	10/605,876	BAULDOCK, GERALD	
	Examiner	Art Unit	
	Vishu K. Mendiratta	3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. <u>10/25/05</u> . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____. |

1. Claims 1-20 rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson (5906371).

Peterson teaches a board game having a track (12), game spaces with indicia (14), multi-level cards (2:39-45), game pieces and random selection device (2:1-5).

The only difference between applicant's game and the cited reference resides in meaning and information conveyed by the printed matter that is not considered allowable. In this regard the educational board game of Peterson teaches a variety of subject matter that can be used for playing the game by merely changing the indicia on the game. In order to teach a periodical table and ask related question, it would have been obvious to modify the game to include indicia of periodical table.

One of ordinary skill in art at the time the invention was made would have suggested modifying game indicia to include periodic table subject matter to make the game attractive to players that are interested in such educational subjects.

With respect to alternative structures of means for presenting questions/answers, such means are commonly used as cards, books etc. and it would have been obvious to include such features in the game.

Note for applicant: Rules/methods for playing a game do not further limit the apparatus in the claim. For example limitations such as randomly selecting, determining value, based on, one directional, representing, do not tell structure of an apparatus.

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2. Claims 1-20 rejected under 35 U.S.C. 103(a) as being unpatentable over LAHAV (3423093).

Lahav teaches a board game having a game path with spaces having atoms and molecules (3:35-65), and instruction cards that can be used as question cards (8:37-53). Lahav teaches all limitations except that it does not expressly indicate questions. However the phrase "if you postpone... (8:47)." gives rise to a question before deciding whether a player is allowed to take an additional turn. One of ordinary skill in art would have asked a question before allowing an additional turn.

Note for applicant: Rules/methods for playing a game do not further limit the apparatus in the claim. For example limitations such as randomly selecting, determining value, based on, one directional, representing, do not tell structure of an apparatus. Claim limitations such as top bar, bottom bar, S and P orbits are narrative and no specific structure has been claimed.

Response to Arguments

3. Applicant's arguments filed 8/9/05 have been fully considered but they are not persuasive. Applicant may note that the current application is a utility application claiming an apparatus and not affected or influenced by the fact that the applicant may have a design patent on the drawing. The examiner also suggested the applicant that terminology such as "playing path containing the atoms, molecule and ions", "cards based on", "based on definition", do not actually limit an apparatus as they do not specifically further the apparatus. Applicant's claims have rules for playing that do not further limit an apparatus in the claims.

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4. In a telephonic conversation on 10/13/05 the examiner advised the applicant to provide structural limitations on board spaces as pictorial representations in the context of a game that can be used to practice a method as disclosed, ***an example of an apparatus claim format is given below:***

A question and answer board game comprising:

a game path having a plurality of spaces along a periphery of the game board;

a first plurality of said spaces having pictorial representations of atoms contained in a periodical table of elements, each pictorial representation being selected from (a) one or more concentric circles representing "S" orbits, or (b) one or more concentric circles in combination with other orbits as in shape of numeral "8" representing "P" orbits;

a second plurality of said spaces having pictorial representations of molecules as a combination of two or more atoms, each atom having the pictorial representation selected from (a) one or more concentric circles representing "S" orbits, or (b) one or more concentric circles in combination with orbits as in shape of numeral "8" representing "P" orbits;

a third plurality of said spaces having pictorial representation of ions (F ILL.....

IN.....THE.....BLANKS);

a fourth plurality of said spaces being bonus spaces having monetary indicia and action indicia for collecting the monetary indicia;

an inner area on the game board, wherein the inner area having a first table of rows and columns listing twenty atom names and their numbers, a side bar outside the first table showing a circle or a plurality of concentric circles representing number of "S" circles

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corresponding to each row and a bottom bar outside the first table representing the number of electrons in the outermost orbit of each atom in a column;

the inner area on the game board having a second table of rows and columns listing twenty elements and their electro-negativity number;

a plurality of sets of cards having questions and answers relating to elements in a periodic table, molecules and ions;

a plurality of game pieces for moving on game path according to a roll of dice.

Above is an example of an apparatus claim format and as best understood from the disclosure. A further search would be required if contents are presented as above.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

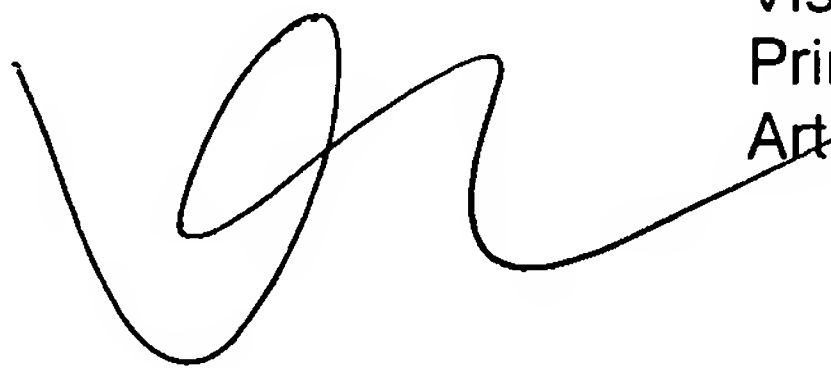
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vishu K. Mendiratta whose telephone number is (571) 272-4426. The examiner can normally be reached on Mon-Fri 8AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene Kim can be reached on (571) 272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vishu K Mendiratta
Primary Examiner
Art Unit 3711



VKM
October 24, 2005